

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

LION RAISINS, INC., et al.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE,

Defendant.

CIV F 05-062 AWI SMS

ORDER DIRECTING THE
CLERK OF THE COURT TO
RANDOMLY REASSIGN THIS
ACTION TO ANOTHER
DISTRICT COURT JUDGE

Currently pending before the Court is a Rule 60 motion that is set for hearing on November 2, 2007. This case had been assigned to Senior Judge Coyle, but has been reassigned to the undersigned.

Under 28 U.S.C. § 455, a judge has an affirmative duty to recuse himself “in any proceeding in which his impartiality might reasonably be questioned.” Liteky v. United States, 510 U.S. 540, 548 (1994). If “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned,” then recusal is appropriate. See United States v. Hernandez, 109 F.3d 1450, 1453 (9th Cir. 1997); United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986). In light of this standard, the undersigned believes that recusal and reassignment is necessary.

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is DIRECTED to
2 randomly reassign this action to another District Court Judge.

3
4 IT IS SO ORDERED.

5 **Dated: October 2, 2007**

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE